

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA
AT BLUEFIELD

GEORGE W. CLARK,

Plaintiff,

v.

CIVIL ACTION NO. 1:07-0717

MICHAEL J. ASTRUE,
Commissioner of Social Security,

Defendant.

MEMORANDUM OPINION AND ORDER

By Standing Order, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of findings and recommendation regarding disposition pursuant to 28 U.S.C. § 636(b)(1)(B). Magistrate Judge VanDervort submitted to the court his Findings and Recommendation on January 30, 2009, in which he recommended that the court deny plaintiff's motion for judgment on the pleadings, grant defendant's motion for judgment on the pleadings, affirm the final decision of the Commissioner, and dismiss this matter from the court's docket.

In accordance with the provisions of 28 U.S.C. § 636(b), plaintiff was allotted ten days and three mailing days in which to file any objections to Magistrate Judge VanDervort's Findings and Recommendation. The failure of any party to file such objections within the time allowed constitutes a waiver of such party's right to a de novo review by this court. Snyder v. Ridenour, 889 F.2d 1363 (4th Cir. 1989).

Neither party filed any objections to the Magistrate Judge's Findings and Recommendations within the thirteen-day period. Accordingly, the court adopts the Findings and Recommendations of Magistrate Judge VanDervort as follows:

1. Plaintiff's motion for judgment on the pleadings is **DENIED**;
2. Defendant's motion for judgment on the pleadings is **GRANTED**;
3. The final decision of the Commissioner is **AFFIRMED**; and
4. This case is **DISMISSED** from the court's docket.

The Clerk is directed to forward a certified copy of this Memorandum Opinion and Order to counsel of record.

IT IS SO ORDERED this 24th of February, 2009.

ENTER:

A handwritten signature in black ink, appearing to read "David A. Faber", is written over a horizontal line.

David A. Faber
Senior United States District Judge